

LOUISVILLE•JEFFERSON COUNTY METRO GOVERNMENT

YOUTH DETENTION SERVICES POLICIES AND PROCEDURES

Chapter: Prison Rape Elimination Act (PREA)
Subject: Responsive Planning
Policy: 18.3
Issue Date: September 2006
Revised Date: November 2007, April 2008, April 2011, July 2014, August 2015

Authorized By: _____, Department Director

I. POLICY

All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, will be investigated promptly, thoroughly, and objectively.

II. DEFINITIONS

Refer to section 18.1 of this manual

III. PROCEDURES

A. Criminal and Administrative Investigations

The Louisville Metro Youth Detention Services (LMYDS) Internal Compliance Investigator will have specialized training in conducting investigations and will be used to conduct administrative investigations of sexual abuse and sexual harassment.

Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse. Investigations will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as resident or staff. Residents alleging sexual abuse will not be required to submit to any type of truth-telling device as a condition for proceeding with an investigation.

Conduct that appears to be criminal will be referred to the Louisville Metro Police Department (LMPD). Some investigations may involve more than one LMPD division. The Internal Compliance Investigator will document the referral.

The LMPD Public Integrity Unit will conduct criminal investigations involving LMYDS staff, contractors, interns, and volunteers. LMPD Sex Crimes Squad will conduct criminal investigations when the victim is a resident age 16 years and older. LMPD Crimes Against Children Unit will conduct criminal investigations when the victim is a resident age 15 years or younger.

LMYDS will cooperate with LMPD Investigators conducting sexual abuse investigations and will attempt to remain informed about the progress of the investigation.

The LMYDS Director will consult with LMPD and legal counsel when the quality of evidence in an investigation appears to support criminal prosecution.

LMYDS will not terminate an investigation solely because the source of the allegation recants the allegation; or the alleged abuser or victim is no longer employed by or under the supervision of LMYDS.

Administrative investigation written reports and documentation relating to referred criminal investigations will be kept for as long as the alleged abuser is incarcerated or employed by LMYDS, plus five years.